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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WILMER CUTLER PICKERING HALE AND DORR LLP 399 PARK AVENUE NEW YORK, NY 10022				
			EXAMINER FISCHETTI, JOSEPH A	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/697,024

Applicant(s)

LAMOUREUX ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-33 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) 44-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Newly submitted claims 44-46 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: that are subcombination claims usable together with the subcombination of claim 12

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively/affirmatively elected by original presentation for prosecution on the merits. Accordingly, claims 44-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, lines 7-8 it is recited that bundles [are] assembled in the step of assembling from the network node". However the step of assembling does not include any reference to it occurring on a given node all that the claim maintains is that the bundles remain resident on the given node.

Claim 31 is indefinite because of the infinite meaning <sup>v</sup>peer to peer<sup>ii</sup> has, there must be some further defining recitation to make the language definite.

Claim 28 it is not understood what bundle version identifying signals are and how this further defines the invention?

Claim 32, there is no antecedent basis for a "detection condition".

Claim 33, "blending content" is unclear, what content is being blended and again NAB for detection condition.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-'234 in view of Frey.

Bowman-'234 discloses distributing information bundles from different ones of a first plurality of different networked users to different ones of a second plurality of different network users according to a machine-readable format that includes values for a plurality of content attribute descriptors -see col. 233 lines 56 et seq. wherein it is stated that each data stream "includes an attribute descriptor defining elements of the data". Hence Bowman'234 reads on -assembling information into bindles, wherein

each bundle consists of a data element reference and meta data describing the data element-.

But Bowman appears silent regarding each element remaining resident on a node of a data owner in a network.

However, Frey discloses networked 42,42 nodes which use a block identifier 56 is used to describe the data element (file is a data element and is assembled at node see col. 5 line 43) to which it is attached and the block identifier (the equivalent of metadata) is distributed through the network through the intermediary of the distributed Directory col. 6, lines 55 –56. Frey further disclose distributing copies of the data elements in the data blocks/bundles to the network nodes of accessors (copying occurs whenever file is retrieved from the resident node by another's computer and the data is copied into volatile memory(see Napster copyright cases), following selection of the data elements by the accessors (selection occurs via the distributed Directory).

It would be obvious to modify Bowman 234 to associate each bundle with a node and to assemble same there at in order to effect a node associated bundle and to copy the data element s to a user computer using a selection process such as the directory in Frey, the motivation being the ability to make changes to the data resident at the user's node and to allow easier access to the information.

The file access manager 44 is read as the owner.

Re claims 13,15: each bundle in Bowman must inherently include security information identifying entitled accessors of the data, and wherein the step of

Art Unit: 3627

distributing my distributes the bundle to the entitled accessors given that Bowman discloses:

Security usually resides on both the client and server platform in a distributed environment. True security should always be placed on the server platform, to protect the system through access outside of a client application.

Is there a direct/indirect relationship between the user role/group and the data/services?

There are situations where it is required for the system to maintain the relationship of the users role and the users access to specific system services/resources. For example, a database administrator will have read-write-delete access to the database, whereas a sales manager will have only read access to it for viewing the data in various forms. The security component should provide the functionality for validating the users resource access privileges based on the role of the user.

Re claim 15: The user resource access privileges are read as authorized network users.

Re claim 14: Official Notice is taken regarding the old and Notorious use of negotiating trusted relationships between owners and accessors to define security information.

Re claim 16. sales manager versus administrator restrictions are formats which for the security information allowing for organization identifiers.

Re claim 17. In Frey the file access manager defines the block ID 56 which is the equivalent of the meta data in Bowman and the motivation for this motivation is herein repeated.

Re claim 18. Bowman discloses tracks access to data :

Directory service products utilize Security services to track access rights for access to network resources and information. The Directory service is an efficient way to manage resource security, since the directory offers a logical representation of all resources in the enterprise. In addition, the Directory service can act as a single point of entry into the network, meaning users can receive access to allowed resources by authenticating themselves a single time to the Directory service. (For more information on authentication and authorization, refer to the Comm. Security service.)

Thus the step of step of recording the distribution of data element copies to accessors and associated information concerning the transaction is met.

Re claim 19: what the meta data describes is a matter of design choice.

Re claims 20, 21, 22, 23, and 24: Frey discloses a file block composed of a nested plurality of subfiles. This teaching when applied to Bownam will obviously result in the creation of superbundles equivalent to the block which includes the plural files. It is obvious that access only to the part will only derive access to the whole. The presentation of alternative content to those not qualify for access is old and official notice is taken. In Frey different nodes can cause access to other's information. In Bowman each bundle would in the same manner as that file id in Frey references a file not included in the whole of the identifier to save bandwidth.

Re claim 25: the type of file is deemed a matter of design choice.


Re claims 26,27: In Frey files in one node refer to those of another It would be obvious to include this feature in Bownam to reduce bandwidth.

RE claim 29: Insofar as it is understood, Official Notice is taken regarding the old and notorious use of updating data.

Re claim 30: Official Notice is taken regarding the use of filtering in data management.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

 **JOSEPH A. FISCHETTI**  
**PRIMARY EXAMINER**

Joseph A. Fischetti  
Primary Examiner  
Art Unit 3627